IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 718-70

UNITED STATES DEPARTMENT OF JUSTICE, et al.,

Defendants.

AFFIDAVIT

CITY OF WASHINGTON )
DISTRICT OF COLUMBIA ) ss:

I, DAVID J. ANDERSON, being duly sworn, hereby depose and say as follows:

1. I am an attorney in the Civil Division of the Department of Justice and in the course of my official duties I have been assigned to prepare the defense of the within action. I am, therefore, fully familiar with the files of the Department of Justice relating to this matter.

2. On May 6, 1970 the Attorney General wrote to plaintiff's counsel advising him that plaintiff would be granted access to "[a]ll documents filed by the United States with the Court in England in June-July, 1968 in the extradition proceeding by which James Earl Ray, the convicted killer of Dr. Martin Luther King, was returned to this country." A true copy of this letter is attached hereto as Exhibit 1 and made a part hereof.

3. On May 15, 1970 plaintiff was given access to the documents referred to in paragraph 2 above, and examined said documents in the offices of the Civil Division of the Department of Justice.

4. On June 2, 1970 plaintiff wrote to an official of the Department requesting notification that he had been given access to all the papers involved in this action and further requested to see the file cover in which the documents had been kept. A true copy of this letter is attached hereto as Exhibit 2 and made a part hereof.

5. On June 26, 1970 a letter was sent by the Department to plaintiff's counsel advising him that plaintiff had been given access to all documents which were the subject of this action. A true copy of this letter is attached hereto as Exhibit 3 and made a part hereof.

6. By letter dated July 2, 1970 addressed to the affiant, plaintiff's counsel again requested that plaintiff be supplied with a copy of the file cover. A true copy of this letter is attached hereto as Exhibit 4 and made a part hereof.

7. On August 11, 1970 affiant advised plaintiff's attorney that a copy of the above file cover had been located and would be supplied to plaintiff. A copy of said file cover was delivered to plaintiff on August 12, 1970.

8. In the August 11 conversation between affiant and plaintiff's attorney, the latter indicated that plaintiff desired a copy of one of the photographs which was among the documents referred to in paragraphs 2 and 3 above. Affiant had been advised by the office of the Deputy Attorney General that a print is being made of this photograph for delivery to the plaintiff.

/s/
DAVID J. ANDERSON

Subscribed and sworn to before me this _____ day of _____, 1970.

_____
Notary Public

My commission expires